

1 BILL NO. S-83-08-45

2 SPECIAL ORDINANCE NO. S-180-83

3 AN ORDINANCE approving a Contract  
4 by the City of Fort Wayne and the  
5 Board of Aviation Commissioners  
6 with Spear-Dehner, Inc., for ex-  
7 tension of Taxiway "M" at Baer  
8 Field.

9 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL  
10 OF THE CITY OF FORT WAYNE, INDIANA:

11 SECTION 1. The annexed Contract, made a part hereof,  
12 by the City of Fort Wayne by and through its Board of Aviation  
13 Commissioners with Spears-Dehner, Inc., for extension of Taxiway  
14 "M" at Baer Field, is hereby ratified, and affirmed and approved  
15 in all respects. The work under said Contract requires:

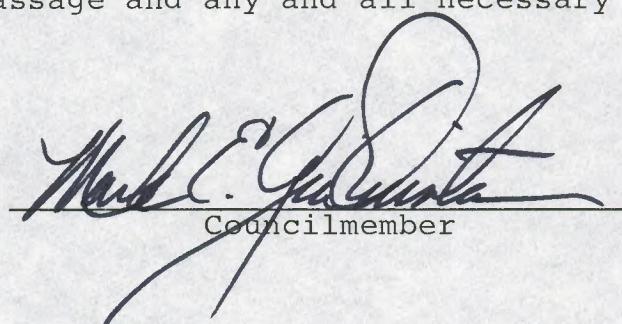
16 extension of Taxiway "M" at Baer Field  
17 necessary for Runway 13031 extension;  
18 90% of cost is funded by an FAA grant  
19 to the Board; Spears-Dehner, Inc.,  
20 low bidder;  
21 the Contract price is One Hundred Twenty-Two Thousand Five Hun-  
22 dred Forty and 30/100 Dollars (\$122,540.30) (Board's 10% share  
23 is Twelve Thousand Two Hundred Fifty-Four and 03/100 Dollars  
24 (\$12,254.03)).

25 SECTION 2. Two (2) copies of the Contract attached  
26 hereto are on file with the City Clerk, and are available for  
public inspection.

27 SECTION 3. That this Ordinance shall be in full force  
28 and effect from and after its passage and any and all necessary  
29 approval by the Mayor.

30 APPROVED AS TO FORM  
31 AND LEGALITY

32 Bruce O. Boxberger, City Attorney

  
Mark E. Galante  
Councilmember

Read the first time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on 19, the 19 day of Sept. o'clock P.M., E.S.T.

DATE: 8-22-83

Sandra F. Kennedy  
CITY CLERK

Read the third time in full and on motion by GiaQuinta, seconded by Talarico, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>5</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>BRADBURY</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>BURNS</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>EISBART</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>GiaQUINTA</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>SCHMIDT</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>SCHOMBURG</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>SCRUGGS</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>STIER</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>TALARICO</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>

DATE: 9-13-83

Sandra F. Kennedy  
- CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) NO. S-180-83, on the 13th day of Sept., 1983.

ATTEST:

Sandra F. Kennedy

CITY CLERK

(SEAL)

Bay-Loback

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of Sept., 1983, at the hour of 11:30 o'clock P.M., E.S.T.

Sandra F. Kennedy

CITY CLERK

Approved and signed by me this 23rd day of Sept., 1983, at the hour of 2 o'clock P.M., E.S.T.

Win Moses Jr.

WIN MOSES, JR. - MAYOR

-62

CONSTRUCTION CONTRACT

THIS AGREEMENT, by and between the CITY OF FORT WAYNE BOARD  
OF AVIATION COMMISSIONERS, hereinafter called the Board, and  
Spears-Dehner, Inc., Fort Wayne

of the County of Allen, State of Indiana,  
hereinafter called the Contractor, made on this 4<sup>th</sup>  
day of August, 1983

WITNESSETH:

That whereas the Board has resolved to extend Taxiway "M"  
including grading, drainage, paving,  
and other incidental work; AIP Project  
3-18-0022-02 at the Fort Wayne Municipal (Baer Field) Airport,  
in Fort Wayne, Indiana, hereinafter referred to as the Project.

Now, therefore, the Contractor covenants and agrees to complete  
the construction of said Project, specifically designated as FAA  
Project 3-18-0022-02 and to perform all work in the prosecu-  
tion and construction of said improvement.

The Board and the Contractor, for and in consideration of  
the mutual agreements and covenants hereinafter set forth, stipulate  
and agree as follows:

1. The Contractor agrees to furnish all of the necessary labor,  
materials, equipment, tools and services necessary to perform  
and complete in a workmanlike manner all work required for the

construction of the Project in strict compliance with this and all other contract documents hereinafter mentioned, which are made a part hereof, as fully and effectually as if copied and set out herein in full length.

2. The Contractor further expressly covenants and agrees that in the prosecution of said work the Contractor will properly and fully guard and protect and use due and proper precaution to prevent injury to any person or persons or property; that in the event of any injury or damage resulting from the work as it progresses resulting from any matter or thing connected therewith to any person or property, he will pay and liquidate the same as his own expense and assume the liability therefor and will defend any action or actions brought against the Board by reason of, or on account of, or growing out of said work or its connection whether such claim or claims, action or actions arise during the progress of the work or during the guaranty period, and will in all respects fully indemnify and save harmless the officers, agents and representatives therein from all loss, cost and expense incurred or judgment recovered. It is further expressly understood and agreed and made a condition hereof that notice of the pendency of any claim or action against the Board by reason of the progress of the work herein, the Board shall notify the Contractor and the surety on the Contractor's construction bond, which notice shall be given within ten (10) days upon receipt of information by the Board to the Contractor and his surety, which shall be sufficient notice

for the Contractor to carry out the provisions of this stipulation.

3. Said contractor further agrees to pay any and all monies due to any contractor, subcontractor, or any person or persons furnishing any labor or material whatever for said work in the prosecution and construction of said improvement, and shall submit an affidavit of payment to all laborers, material men and subcontractors as a condition upon receipt of payment of all monies under this contract.
4. Said work shall be completed according to the terms of the entire contract within 40 working days, and work is to commence upon written notice to proceed by the Board unless said time be extended in writing by the Board, and any extension of time granted shall in no way affect the duties, liabilities and obligations of the Contractor or his sureties.
5. The Board agrees to pay, and the Contractor agrees to accept in full payment for the performance of this Contract, the Contract Amount of One Hundred Twenty-Two Thousand Five Hundred Forty and 30/100 Dollars (\$ 122,540.30) in accordance with the provisions of the Contract documents.

Progress payments will be made in accordance with the Specifications.
6. No extra work shall be done except by alteration or changes in design as first prepared by the Engineer after full written approval by the Board.

- (a) Extra work that may be required in complete performance of this Contract shall be paid for by change order prepared by the Engineer and approved by the Board in writing.
- (b) Unit prices, as stated in the proposal form and made a part of this Contract, shall constitute the basis for preparing the cost of such change orders. If the requirements of the change order do not include items listed in the proposal, then a lump sum amount agreed upon by the Contractor, the Engineer and the Board for such extra work shall be the basis of payment for the change order.

7. The Contract agreement also comprises all of the documents listed in the Instructions to Bidders which are hereby made a part hereof by reference thereto and shall include the following:

- 1. Advertisement for Bids
- 2. Instructions to Bidder
- 3. Contractor's Bid Form 96
- 4. Itemized Proposal
- 5. Addenda
- 6. Statement of Financial Condition, Form 96a
- 7. Combination Bid Bond and Performance Bond
- 8. Labor Provisions
- 9. Construction Plans Dated March 29, 1983
- 10. General Provisions
- 11. Special Provisions
- 12. The Construction Contract Agreement between the Parties

and all other documents or agreements mutually made by the parties hereto after date hereof.

8. To each of the conditions and stipulations of this Contract, including all and singularly the provisions of the Contract Documents herein referred to, the undersigned each respectively binds itself or himself and its or his heirs, legatees, executors, administrators, partners, successors, personal representatives and assigns. Neither of the parties hereto shall have the right to assign, transfer or sublet his obligations herein without written consent of the other party.

IN WITNESS WHEREOF, we, the foregoing named parties, hereunto  
set our hands and seals this 4<sup>th</sup> day of  
August, 1983.

CITY OF FORT WAYNE BOARD OF  
AVIATION COMMISSIONERS

Mark W. Sch  
D. J. Seeger  
Paul Dera

CONTRACTOR

Spears-Dehner, Inc  
By: David H. Spear  
Title: Pres.

ATTEST:

Mark W. Spear

appd  
g. e. Hoffman

Project No. AIP 3-18-0022-02

Description Fort Wayne Municipal Airport-Baer Field  
Expand Taxiway "M"

FIA SPEC NO.	DESCRIPTION	UNITS	QUANTITY	UNIT PRICE		AMOUNT
				WORDS	NUMERALS	
1. P-110	Mobilization and Demobilization	LS	1 ✓	Three Thousand Dollars & No Cents	3,000.00	3,000.00
2. P-152	Unclassified Excavation	CY	4,378 ✓	Three Dollars & Five Cents	3.05	13,352.90
3. P-501	10" Portland Cement Concrete Pavement	SY	2,762 ✓	Twenty Two Dollars & No Cents	22.00	60,764.00
4. P-201B	4" Bituminous Base Course	Ton	638 ✓	Twenty Eight Dollars & No Cents	28.00	17,864.00
5. P-620	6" Solid Yellow Paint Stripe	SF	2,467 ✓	Forty Cents	0.40	986.80
6. D-701	12" R.C. Pipe Class III	LF	414 ✓	Sixteen Dollars & No Cents	16.00	6,624.00
7. D-705	6" CS Perforated Pipe for Underdrains	LF	990 ✓	Four Dollars & Thirty Cents	4.30	4,257.00
8. D-705	#7 Aggregate for Underdrains	CY	152 ✓	Fourteen Dollars & No Cents	14.00	2,128.00
9. D-751	Structure No. 168C	EA	1 ✓	Eight Hundred Seventy Five Dollars & No Cents	875.00	875.00
10. D-751	Structure No. 168D	EA	1 ✓	Eight Hundred Seventy Five Dollars & No Cents	875.00	875.00
11. D-751	Structure No. 168E	EA	1 ✓	Eight Hundred Seventy Five Dollars & No Cents	875.00	875.00
12. L-110	4" 4-Way Duct	LF	120 ✓	Twenty Two Dollars & No Cents	22.00	2,640.00
13. L-853	Blue Reflective Twy. Markers	EA	18 ✓	Thirty Dollars & No Cents	30.00	540.00
14. T-901	Mulched Seeding	1,000SF	130 ✓	Thirty Three Dollars & No Cents	33.00	4,290.00
15. T-904	Sodding (Nursery)	SY	41 ✓	Three Dollars & No Cents	3.00	123.00
16.	Field Office 120 SF.	LS	1 ✓	One Hundred Dollars & No Cents	100.00	100.00
17. D-751	Electrical Handholes	EA	2 ✓	Five Hundred Dollars & No Cents	500.00	1,000.00
18. L-108	7C/10 Electrical Type C Cable	LF	176 ✓	Three Dollars & Ten Cents	3.10	545.60
19. L-110	4" 1-Way Duct	LF	170 ✓	Ten Dollars & No Cents	10.00	1,700.00
	One Hundred Twenty Two Thousand Five Hundred Forty Dollars & Thirty Cents					122,540.30
	TOTAL					

BILL NO. S-83-08-45

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN  
ORDINANCE approving a Contract by the City of Fort Wayne and the Board  
of Aviation Commissioners with Spear-Dehner, Inc., for extension of  
Taxiway "M" at Baer Field

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

MARK E. GIAQUINTA, CHAIRMAN

Mark E. Giacinta  
Push

JAMES S. STIER, VICE CHAIRMAN

James S. Bradbury

JANET G. BRADBURY

Janet G. Bradbury  
Samuel J. Talarico

SAMUEL J. TALARICO

Samuel J. Talarico  
D. Schmidt

DONALD J. SCHMIDT

Concurred in 8-13 Sandra F. Kennedy

6396

## DIGEST SHEET

83-08-45-

**TITLE OF ORDINANCE:** Contract for Construction of Baer Field Taxiway.

DEPARTMENT REQUESTING ORDINANCE: Board of Aviation Commissioners.

SYNOPSIS OF ORDINANCE: Approves contract with Spears-Dehner, Inc., low bidder, for \$122,540.30, for extension of Taxiway "M" at Baer Field necessary for Runway 13-31 extension. 90% of cost is funded by an FAA grant to the Board.

EFFECT OF PASSAGE: Necessary extension of Runway 13-31 at Baer Field.

EFFECT OF NON-PASSAGE: None of above.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS): Total contract  
\$122,540.30: Board's 10% share \$12,254.03.

ASSIGNED TO COMMITTEE: Finance Committee